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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,599	05/20/1999	RITU SHRIVASTAVA	ALSC-00300	6720

28960 7590 05/06/2002  
HAVERSTOCK & OWENS LLP  
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EXAMINER

HA, NATHAN W

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/315,599

Applicant(s)

SHRIVASTAVA, RITU

Examiner

Nathan W. Ha

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 13 March 2002.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-10 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

(same as previous Official Action)

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al. (US. 5,605,853, previously cited), in view of Mehta (US. 5,679,559, previously cited.).

In regard to claims 1, 5, and 9, in fig. 7, Yoo et al. discloses a common substrate 10;

an SRAM device 50 implemented on the common substrate and isolated by LOCOS isolation technique 12; and

a flash EPROM device 70 implemented on the common substrate 10 and isolated by LOCOS isolation technique 12.

Yoo et al., however, does not expressly disclose a second isolation technique such as STI to isolate the devices. Mehta, in fig. 18, teaches a first and second isolation techniques 242, 240 to separate the devices on the same substrate in order to scale the minimum spacing between regions, please see col. 6, last paragraph.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use STI isolation technique as taught by Mehta in Yoo et al. substrate in order to scale the minimum spacing between regions.

In regard to claims 2-3 and 7-8, Mehta discloses the first technique is the STI technique and the second isolation technique is LOCOS isolation, as discussed in claim 1 above.

In regard to claims 4, 6, and 10, Yoo et al. discloses SRAM coupled EPROM for transmitting signals, see fig. 7.

### ***Response to Arguments***

3. Applicant's arguments filed 1/22/02 have been fully considered but they are not persuasive; see also the advisory Official Action, paper 10.

In response to the applicant's arguments, on pages 1-2, the applicant repeatedly submits, "Yoo does not teach or suggest that a SRAM and an EEPROM can be formed on the same IC, using non-LOCOS isolation process, such as a shallow isolation (STI) process. Nor does Yoo teach or suggest that a SRAM and an EEPROM can be formed on the same IC, using a combination of a LOCOS and STI isolation process." As addressed in the previous Official Action, The combination of Yoo and Mehta teaches the technique of using LOCOS and STI isolations. Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

*Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. Furthermore, applicant argues about the limitations of a method of making the device, on page 2. It is noted that applicant elected the device claims in the previous amendment, paper 3. The method claims, Group II, therefore, has been withdrawn from the examination. Therefore, the discussion regarding limitations in the method of making the device has nothing to do with the previous Official Action, nor this paper. Please focus to the limitations in the pending claims that have been addressed in the Official Actions only in order to eliminate any confusion in the next communication papers.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Ha whose telephone number is (703) 305-3507. The examiner can normally be reached on M-F 9:00-5:00(EST).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and 308-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Art Unit: 2814

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Nathan Ha  
April 20, 2002

  
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